

**“Part 1”
Law Curriculum
Chapter 720 – Criminal Offenses**

**RECRUIT HANDOUT
2018**



**BASIC RECRUIT TRAINING
CHICAGO POLICE DEPARTMENT
EDUCATION AND TRAINING DIVISION**

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Law Handout - Part One

2017

Welcome to the Chicago Police Department.

An important part of your training will be in the area of law. For many of you this will be your first introduction to the law.

This handbook was designed with three purposes in mind:

1. To help you study for your exams,
2. To prepare you for the state test,
3. To be a continuing resource throughout your law enforcement careers.

For this handbook to be useful it must be read, before attending class, along with the reading assignments. If you do not do the mandatory reading material prior to class, you will be disciplined.

KEEP IN MIND THAT THE STATUTES CHANGE ON A REGULAR BASIS. IF YOU NOTICE ANY CONTRADICTION WITH ANY STATUTE LOCATED IN THE STATUTE BOOK, FOLLOW THE STATUTE BOOK.

Ask any law instructor for clarification or assistance.

Attorney Hyfantis

Law Handouts

In this packet of handouts, classes are referred to in two different ways. They appear in the law handouts book according to the order dictated by the curriculum (occasionally, this changes). Hours are also referenced as part of blocks of instruction (Hour 1 of 20, for example).

Classes are listed on your weekly schedules by the subject title of the block of instruction, and the hour numbers to indicate that class's order within the block of instruction. The first twenty hours of your law classes are referred to as **Criminal Offenses of Illinois**, also known as **Chapter 720** of the Illinois Compiled Statutes. All other classes will be referred to similarly.

You will receive your law handouts in three parts:

- Part One: Criminal Offenses: Chapter 720 (20 Hours)**
- Part Two: Arrest, Search and Seizure (16 hours)**
- Part Three: Remainder of Law Topics**

“Student Performance Objectives”

On the cover sheet for each hour you will see a list of **“Student Performance Objectives”** or **“SPO’s.”** These are the main points which are to be covered in class. Test questions are based on these points. Most of the SPO’s are state instructional requirements and will be tested on the state exam as well as on in-house examinations. Those SPO’s that are coded “CPD” are course objectives which apply here at the academy and will be part of your in-house examinations only. Only study State SPO’s for your state test. **Study all SPO’s while here at the academy.** Student performance objectives are coded as follows:

(STATE SPO 1) = State Student Performance Objectives

(SPO CPD) = Chicago Police Department Performance Objectives

***Bold = Offenses added because of 2017 ILETSB Objectives**

CHAPTER 720: 20 HOURS

- Hour 1: Introduction; Distribution of books and handouts.
- Hour 2: General Purposes and Jurisdiction
- Hour 3: Place of Trial; Definitions
- Hour 4: Mental States
- Hour 5: Affirmative Defenses
- Hour 6: Inchoate Crimes
- Hour 7: Homicide
- Hour 8: Theft
- Hour 9: Retail Theft
- Hour 10: Deceptive Practices
- Hour 11: Robbery; Burglary
- Hour 12: Arson; Criminal Damage
- Hour 13: Bodily Harm
- Hour 14: Bodily Harm
- Hour 15: Sex Crimes
- Hour 16: Prostitution
- Hour 17: Kidnapping
- Hour 18: Unlawful Use of Weapons
- Hour 19: Unlawful Use of Weapons
- Hour 20: Mob Action/Disorderly; Perjury/Bribery

Hour 01 and 02 of Chapter 720

TOPIC:	Hour 1 - Introduction
	Hour 2 - Introductory Statutes

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

General Purposes	720 ILCS 5/1-2
Applicability of Common Law	720 ILCS 5/1-3
Civil Remedies Preserved	720 ILCS 5/1-4
State Criminal Jurisdiction	720 ILCS 5/1-5

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

1. Indicate the General Purposes of the Criminal Code. (5/1-2) (SPO CPD)
2. Understand the difference between Common Law and the Illinois Criminal Code. (5/1-3) (SPO CPD)
3. Distinguish between remedies provided for in Criminal Law as opposed to Civil Law. (5/1-4) (SPO CPD)
4. Recognize circumstances that come within the criminal jurisdiction of the State. (5/1-5) (**STATE SPO 1**)

Study Aid/Evaluation Questions: Criminal Offenses.

Answer the questions which follow the SPO's for each hour of law to help **prepare for your tests** in law on Chapter 720 (hours 1-20 in law). This is the level that you need to be at for the tests. If you can answer and understand the following, then you are more than prepared. **YOU MUST READ THE STATUTES** and use your class notes.

HOUR 2 - Introductory Statutes

- 1.** Which of the following are parts of the “**General Purposes**” of the Criminal Code of Illinois (5/1-2)? (*You must be able to look at the choices and decide whether or not they are included in the statute.*)
 - a. Forbid and prevent the commission of offenses?
 - b. Define the act and mental state of each offense adequately?
 - c. Prescribe proportionate penalties for offenses?
 - d. Limit condemnation of conduct when without fault?
 - e. Prevent arbitrary or oppressive treatment?
- 2.** Do the **common law** definitions of crimes apply in Illinois (5/1-3)?
- 3. What does it mean to say that “civil remedies are preserved?”** (5/1-4)

Example: Betty is the victim of a beating by Phil. Phil is prosecuted and Phil is acquitted (found not guilty). Betty had injuries that had to be treated at the hospital.

 - A.** Can Betty still sue Phil in civil court to try and recover for the medical bills she had because of the injury Phil allegedly caused?
 - B.** Does the statute say that the amount of money she can get is limited because Phil was acquitted?
- 4. Jurisdiction** (5/1-5(a)(1)). When is a person **subject to prosecution in this state** for an offense?
 - A.** Is a person subject to prosecution if the offense is committed **wholly** within the state of Illinois? Is a person subject to prosecution if the offense is committed **partly** within the state of Illinois?
 - B.** Mr. X purchases an illegal weapon in Illinois, and then goes to Indiana and uses it to commit a robbery. Which state has the jurisdiction to prosecute for a crime?

ELEMENTS OF A CRIME

A **CRIME** is an offense against the state punishable by fine or imprisonment.

To obtain a criminal conviction there must be that amount of evidence to prove **BEYOND A REASONABLE DOUBT** that the accused is guilty of the crime for which he or she has been charged.

Every crime consists of several elements. **EACH ELEMENT MUST BE PROVEN TO EXIST** before any individual can be **CONVICTED** and **SENTENCED**.

Several principles must be kept in mind when considering the operation of our criminal justice system:

- a) There must be a law which commands certain acts to be done (duties) or which prohibits doing certain acts; AND
- b) That law must specifically describe those elements necessary for an offense to exist AND
- c) For each law describing criminal conduct, there must be a corresponding, legally enforceable form of punishment.

THE ELEMENTS OF A CRIME (corpus delicti) are as follows:

- I. A VOLUNTARY ACT done by a person legally capable of that act.
- II. A MENTAL STATE or the state of mind under which the act was committed ("intent," "knowledge," "recklessness," and "negligence").
- III. A RESULT of the effect or commission of the ACT accompanied by the criminal **MENTAL ELEMENT**.

NOTE: The State must provide independent proof as to the corpus delicti (body of the crime). Every one of the above elements must be proved to exist. If the state cannot show evidence to meet the burden of proof for all of the elements, the jury or the judge may have **REASONABLE DOUBT** as to the defendant's guilt. If reasonable doubt exists, it is the duty of the judge or jury (trier of fact) to acquit the Defendant.

A. KEY TO THE ELEMENTS OF A CRIME

I. THE ACT

A. Any act or series of acts (conduct) performed consciously by a person, or the failure of a person to do an act which the law commands.

1. The act is voluntary in that it is a product of one's own mind. There is no awareness of one's acts when asleep or under hypnosis or when acting by way of an automatic nerve reflex after pain has been inflicted (leg kicking up after knee is hit with hammer).
2. **EXAMPLE:** If John reaches back, and punches Joe, he is acting voluntarily. But, if in falling back, Joe falls into a hot stove, and instinctively lunges forward, and his motion carries him head first into John's stomach, he is acting involuntarily, and will not be held responsible for his action.

II. THE MENTAL STATE

A. Means the state of mind of the actor, or his intent, at the time of the voluntary act.

1. An act does not make the doer guilty, unless the mind is guilty.
2. **EXAMPLE:** A Homeless Man breaks into a house so he can find a warm place to sleep.

Question Did he commit Residential Burglary?
SEE 720 ILCS 5/19, entire section.

Answer No. Even though he entered a dwelling without authority, he intended to sleep comfortably, not to "commit a felony or theft therein," as required by the burglary statutes.

Discussion How can Homeless Man's intent be proven in this case? Be prepared to argue for either Intent to commit burglary or lack of the required intent. What evidence would we look for?

Question Is Homeless Man guilty of anything?

Discussion What is Homeless Man guilty of?
How can man be guilty of one crime but innocent of another?

B. Our criminal code establishes the mental states of Intent, Knowledge, Negligence, and Recklessness.

1. Most crimes specifically mention the required mental state, as an element of the crime. There are, however, some that do not.
2. 720 ILCS 4/4-3(b) states that if the offense does not describe a mental state, use intent, knowledge, or recklessness (not negligence).
3. **EXAMPLE:** CRIMINAL SEXUAL ASSAULT. Statute does not list mental state as an element of the offense, so state that offender “knowingly” or “intentionally” committed the act of forced sexual penetration.

C. REMEMBER: The mental state is an element of almost all offenses, and if the State cannot prove it, the State will not get a conviction for that offense.

1. The State may however get a conviction for a lesser included offense, which has a different mental requirement.
2. In previous example, the homeless man was not guilty of “Residential Burglary,” but of the lesser included offense “Criminal Trespass to Residence” (720 ILCS 5/19-4). This is because the mental state “intent to commit therein a felony or theft” could not be proven as required for burglary.

III. A RESULT

A. Except for regulatory crimes (Example: Possession of Controlled Substances) crime involves a wrong or injury inflicted by the offender on another person or person’s property.

1. The nature of this injury often is determinative of the crime charged.
2. **EXAMPLE:** The required result of the crime of Murder is that the victim be dead. If the victim is not dead, the crime may be Attempted Murder, Aggravated Battery, etc. BUT it can not be murder because death did not result.

B. For regulatory offenses, (where the state places a duty on a person to act or to omit certain acts) the result is generally included within the act. For example, the act of possession and no more is the only element to be proven with offenses as Possession of Controlled Substances. Possession of contraband, such as cocaine, is not an offense against a person, or property, but it does result in an offense against the state.

Hour 03 of Chapter 720

TOPIC: Place of Trial; Definitions

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Place of Trial	720 ILCS 5/1-6
General Definitions:	
“Act”	720 ILCS 5/2-2
“Conduct”	720 ILCS 5/2-4
“Dwelling”	720 ILCS 5/2-6
“Felony”	720 ILCS 5/2-7
“Forcible Felony”	720 ILCS 5/2-8
“Misdemeanor”	720 ILCS 5/2-11
“Petty Offense”	730 ILCS 5/5-1-17
“Peace Officer”	720 ILCS 5/2-13
“Penal Institution”	720 ILCS 5/2-14
“Reasonable Belief”	720 ILCS 5/2-19
“Voluntary Act”	720 ILCS 5/4-1
“Possession as Voluntary Act”	720 ILCS 5/4-2
Presumption of Innocence/Proof of Guilt	720 ILCS 5/3-1
General Limitations	720 ILCS 5/3-5
Methods of Prosecution	725 ILCS 5/111-1

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she understands the following sections of state law:

1. Identify requirements of place of trial under the Criminal code. (5/1-6) **(STATE SPO 2)**
2. Define the following terms: **(STATE SPO 3)**
 - Act **(STATE SPO 3a)**
 - Conduct **(STATE SPO 3b)**
 - Dwelling **(STATE SPO 3c)**
 - Felony **(STATE SPO 3d)**
 - Forcible Felony **(STATE SPO 3e)**
 - Misdemeanor **(STATE SPO 3f)**
 - Petty Offense **(STATE SPO 3j)**
 - Offense **(STATE SPO 3g)**
 - Peace Officer **(STATE SPO 3h)**
 - Penal Institutions **(STATE SPO 3i)**
 - Reasonable Belief **(STATE SPO 3l)**
 - Voluntary Act (5/4-1) **(SPO 3m)**
 - Possession as Voluntary Act (5/4-2) **(SPO 3k)**
3. Presumption of Innocence and Proof of Guilt. (5/3-1) **(STATE SPO 4)**
4. General Limitations. (5/3-5) **(STATE SPO 5)**
5. Identify three procedures by which a private citizen may pursue a prosecution. **(STATE SPO 6)** 725 ILCS 5/111-1 (1) complaint, (2) information, or (3) indictment.

CRIMINAL SENTENCES*

730 ILCS 5/5-4-1. (b) Sentencing Hearing –Sentence imposed by judge

730 5/5-4.5

FELONY

1st Degree Murder-----20-60 years; extended term 60-100 years or natural life in prison.
Class X-----6 to 30 years
Class 1-----4 to 15 years
Class 2-----3 to 7 years
Class 3-----2 to 5 years
Class 4-----1 to 3 years

MISDEMEANORS

Class A-----6 months to 364 days
Class B-----31 days to 6 months - 1 day
Class C-----Up to 30 days
Petty Offenses-----offense for which a sentence is not imprisonment.

**For your information; no need to memorize for tests.*

HOUR 3: Evaluation Questions

1. **Place of Trial** (5/1-6): (a) Generally. Criminal Offenses in Illinois shall be tried in the _____ where the offense occurred, except as otherwise provided by law...
2. “Act” (5/2-2) includes a _____ or _____ to take action.
3. “Conduct” (5/2-4) means an act or _____, and the accompanying mental state.
4. A “Dwelling” (5/2-6) is an enclosed space used or intended for use as a _____, home or residence.
5. A “Felony” (5/2-7) is punishable by _____ in a penitentiary.
6. A “Misdemeanor” (5/2-11) is punishable for _____ in a place other than a penitentiary.
7. A “Petty Offense” (730 ILCS 5/5-1-17) is an offense which is not punishable by _____
8. “Offense” (5/2-12) means a violation of any penal statute of _____.
9. “Peace Officer” (5/2-13) means
 - (i) any person who by virtue of his or her public office or public employment is vested by law with a duty to maintain public order or to _____, whether that duty extends to all offenses or is limited to specific offenses,
or
 - (ii) any person who by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State. [University police, for example.]
10. The definition of “Penal Institution” (5/2-14) would include a penitentiary, state farm, reformatory, _____, _____, house of correction.
11. “Reasonable Belief” (5/2-19) or “reasonably believes” means that the person concerned, acting as a reasonable person, believes _____.

12. This will be filled out in class.

List the offenses listed as "**Forcible Felonies**" (5/2-8):

M _____ (First Degree and Second Degree)

A _____ with great bodily harm or permanent disability or disfigurement

A _____

C _____, Predatory Criminal Sexual Assault of a Child

K _____, Aggravated Kidnapping

B _____, Residential Burglary

A _____, Aggravated Arson

R _____

T _____

And any other felony which involves the use or threat of physical force or violence against any individual.

13. Are any of the following offenses listed in 5/2-8 "forcible felony?"

Assault?

Aggravated Assault?

Battery?

Aggravated Battery?

**Only the Aggravated batteries involving GBH or PDD are "forcible felonies."*
Unlawful Use of Weapons?

Bribery?

Treason?

14. "**Voluntary Act.**" (5/4-1) A material element of every offense is a voluntary act, which includes an omission to perform a duty which the law imposes on the offender and which he is physically capable of performing.

15. "**Possession is a voluntary act**" (5/4-2) if the offender knowingly procured or received the thing possessed, or _____ thereof for a sufficient time to have been able to terminate his possession.

16. According to 5/3-1, every person is presumed innocent until proven guilty beyond a reasonable doubt. Examine the following scenario:

Two officers observe a crime. They arrest the offender. Because they have little faith in the criminal justice system, they decide to administer “street justice” before bringing the offender into the station. Have these two officers followed the presumption of law above or gone against it?

17. General Limitations (5/3-5) limits the time period within which the state must commence prosecution.

A. For certain offenses, there is no time limit. *Includes homicide offenses, treason, arson, aggravated arson and forgery.*

(There are more crimes for which there is no time limit, but these are the crimes originally listed. More offenses have been added.)

B. Generally, within how much time must a prosecution for a felony commence?

C. Generally, within how much time must a prosecution for a misdemeanor commence?

18. Methods of Prosecution (725 ILCS 5/111-1): When authorized by law a prosecution may be commenced by: (1) A _____, (2) information, or (3) indictment.

For a complaint to be sufficient, it must be signed by someone who has personal knowledge as to the reasonable grounds to believe that a particular person has committed or attempted to commit a particular offense (probable cause to arrest). A victim or a witness to an offense could sign a complaint. As a police officer you may sign complaints as long as you have personal knowledge as to facts which make it reasonable to believe the arrestee has committed or attempted to commit an offense. It is not legally required that the victim always sign a complaint, but if you cannot otherwise ascertain what has occurred you need the victim or a witness to sign in order to establish that the probable cause to arrest exists, otherwise you cannot make a lawful arrest.

Hour 4 of Chapter 720

TOPIC: Mental States

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Intent	720 ILCS 5/4-4
Knowledge	720 ILCS 5/4-5
Recklessness	720 ILCS 5/4-6
Negligence	720 ILCS 5/4-7
Absolute Liability	720 ILCS 5/4-9
Accountability for Conduct of Another	720 ILCS 5/5-1
When Accountability Exists	720 ILCS 5/5-2

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she understands the following sections of state law:

1. The student will be able to identify the following, as they apply to criminal responsibility:

a.	Intent (5/4-4)	STATE SPO 7a
b.	Knowledge (5/4-5)	STATE SPO 7b
c.	Recklessness (5/4-6)	STATE SPO 7c
d.	Negligence (5/4-7)	STATE SPO 7d
e.	Absolute Liability (5/4-9)	STATE SPO 7e

2. The student will be able to identify the three factors involved when a person is criminally accountable for another persons conduct. (5/5-1 and 5/5-2) **STATE SPO 8**

HOUR 4: Evaluation Questions

1. Mental states. Fill in the blanks.

- A. A person acts with **INTENT** when his or her _____ or purpose is to accomplish that result or engage in that conduct.
- B. A person acts with **KNOWLEDGE** when he or she is _____ of the nature or result of his conduct.
- C. A person acts with **RECKLESSNESS** when he or she _____ a substantial and unjustifiable risk.
- D. A person acts with **NEGLIGENCE** when he or she _____ of a substantial and unjustifiable risk.

2. **Absolute liability.** According to 5/4-9, when might a person be guilty without having one of the mental states above?

If the offense is a misdemeanor which is not punishable by incarceration or by a fine exceeding \$ _____. (Example: Curfew. 720 ILCS 555/1.)

3. **Accountability for conduct of another.**

See 5/5-2 (c). Does it exist when a person:

- A. Participates before the crime, with specific intent to promote or facilitate an offense?
- B. Participates during the crime, with specific intent to promote or facilitate an offense?
- C. With the intent that the offense be committed, solicits, aids, abets, agrees or attempts to aid a person in the planning or commission of an offense?

Hour 5 of Chapter 720

TOPIC: Affirmative Defenses

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Affirmative Defenses	720 ILCS 5/3-2
Ignorance or Mistake	720 ILCS 5/4-8
Infancy	720 ILCS 5/6-1
Insanity	720 ILCS 5/6-2
Intoxicated or Drugged Condition	720 ILCS 5/6-3
Compulsion	720 ILCS 5/7-11
Entrapment	720 ILCS 5/7-12
Necessity	720 ILCS 5/7-13

STUDENT PERFORMANCE OBJECTIVES - "S.P.O."s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she understands the following sections of state law:

1. Recognize circumstances which may give rise to the following defenses:

a.	Ignorance or Mistake (5/4-8)	STATE SPO 9a
b.	Infancy (5/6-1)	STATE SPO 9b
c.	Insanity (5/6-2)	STATE SPO 9c
d.	Intoxicated or Drugged Condition (5/6-3)	STATE SPO 9d

2. Recognize circumstances which may give rise to the following defenses:

a.	Compulsion (5/7-11)	STATE SPO 9e
b.	Entrapment (5/7-12)	STATE SPO 9f
c.	Necessity (5/7-13)	STATE SPO 9g

HOUR 5: Evaluation Questions

1. **“Affirmative defense”** The accused raises an “affirmative defense,” when he or she argues that, because of the existence of factors, his or her conduct should be excused or not punished. The law provides that certain circumstances create possible defenses. Does a successful affirmative defense result in an acquittal for the accused?

2. When would a person’s **ignorance or mistake** at the time of an alleged offense change whether or not that person is guilty of a crime? If it negatives the existence of the _____.

3. Explain the defense of **infancy**: No person shall be convicted of any offense unless he or she had attained his _____ birthday at the time the offense was committed.

4. Describe the **insanity** defense: A person is not criminally responsible for their conduct if at the time of such conduct, as a result of _____ he or she lacks substantial capacity to appreciate the criminality of his conduct.

5. If a person is in an **intoxicated or drugged condition** at the time of an alleged offense, does establishing such condition generally work as a defense to the charge?

Exception:

The condition is _____ and deprives him or her of substantial capacity to appreciate the criminality of his conduct or to conform his or her conduct to the requirements of law.

6. Describe the defense of **compulsion**: A person is not guilty of an offense, other than an offense punishable with death, by reason of conduct which he or she performs under the compulsion of threat or menace of the imminent infliction of

if he reasonably believes such death or great bodily harm will be inflicted upon him or her, or upon his or her spouse or child if he does not perform such conduct.

7. Can one use **compulsion** as a defense for intentionally or knowingly taking the life of another?

Note: The death penalty was abolished, but the wording in this statute was not changed. The two offenses for which were punishable by death were First Degree Murder (5/9-1) and Treason (5/30-1). The defense of compulsion cannot be raised for either of these crimes.

8. Describe the defense of **necessity**: Conduct which would otherwise be an offense is justifiable by reason of necessity if the accused was without blame in occasioning or developing the situation and reasonably believed such conduct was greater than the injury which might reasonably result from his own conduct.

9. **Example:** Officer X is working undercover and wants to impress his supervisor with a good arrest. By pretending to be Y's friend, he induces Y, who is not otherwise predisposed to committing any crimes, to buy drugs. He does this by constantly pressuring Y to buy drugs. Y has never purchased or tried drugs before. After being convinced by X to buy the drugs, Y purchases cocaine. X then arrests Y for possession of controlled substances. What valid defense, if any, does Y have to the charge?

Hour 6 of Chapter 720

TOPIC: Inchoate Offenses

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Solicitation and	
Solicitation of murder	720 ILCS 5/8-1
Solicitation of murder for hire	720 ILCS 5/8-1.2
Conspiracy	720 ILCS 5/8-2
Attempt	720 ILCS 5/8-4
Multiple Convictions	720 ILCS 5/8-5
Offense	720 ILCS 5/8-6

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she understands the following sections of state law:

1. Identify the elements of Solicitation and Solicitation of Murder. (5/8-1) **(STATE SPO 10a and b)**
2. Identify the elements of Solicitation of murder for hire. (5/8-1.2) **(STATE SPO 10c)**
3. Identify the elements of Conspiracy. (5/8-2) **(STATE SPO 10d)**
4. Identify the elements of Attempt. (5/8-4) **(STATE SPO 10e)**
5. Identify and explain the Multiple Conviction Rule. (5/8-5)
6. Recognize the definition of offense. (5/8-6)

HOUR 6: Evaluation Questions

INSTRUCTOR: We are outlining elements. Trainees should start breaking down crimes into their mental states, act(s), and result (where applicable).

1. Solicitation and Solicitation of Murder:

(a) **Solicitation** 1. With intent that an offense be committed, other than _____,
2. _____, another to commit that offense.

(b) **Solicitation of Murder** A person commits the offense of solicitation of murder when he or she commits solicitation with the intent that the offense of _____ be committed.

Example: With intent that the murder be committed, Mr. X asks Mr. Y to kill his neighbor. Mr. Y refuses.

What crime, if any, has Mr. X committed?

What crime has Mr. Y committed?

If Mr. Y were to do as Mr. X asked, and killed the neighbor, what crime would Mr. X be guilty of?

Example: Mr. A and Mr. B agree, with the specific intent to cause death, to shoot and kill the neighbor. The following day, Mr. A purchases the agreed upon murder weapon.

What crime is Mr. A guilty of? Why?

What crime is Mr. B guilty of? Why?

3. Attempt:

1. With intent to commit a specific offense,
2. Does any act which constitutes a _____ towards the commission of the offense.
("substantial step" means that the offender is on the verge of committing the crime.)

Example: Mr. X intends to cause the death of Y by shooting and killing him. X shoots Y, but Y survives. What should X be charged with?

4. Multiple Convictions. No person shall be convicted of both the inchoate and the _____ Offense.

Note: Once the principle offense is committed, that is what the person is charged with. A person could not be charged with both Attempted Murder and Murder for the same criminal conduct.

5. Offense. For purposes of the Article, "offense" shall include conduct which if performed in another State would be criminal by the laws of _____ and which conduct if performed in _____ would be an offense under the laws of this State.

Note: If in Illinois I asked you to place a wager on the outcome of a sporting event for me during your trip to Las Vegas, this would not be the offense of Solicitation (of gambling) in Illinois. This is because the activity, although criminal in Illinois (5/28-1), is not also criminal in Nevada.

Hour 7 of Chapter 720

TOPIC: Homicide Offenses

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

First Degree Murder	720 ILCS 5/9-1
Second Degree Murder	720 ILCS 5/9-2
Involuntary Manslaughter/Reckless Homicide	720 ILCS 5/9-3
Drug Induced Homicide	720 ILCS 5/9-3.3
Concealment of a homicidal death	720 ILCS 5/9-3.4

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

1. First Degree Murder. (5/9-1) **(STATE SPO 11a)**
2. Second Degree Murder. (5/9-2) **(STATE SPO 11b)**
3. Involuntary Manslaughter and Reckless Homicide. (5/9-3) **(STATE SPO 11c)**
4. Drug Induced Homicide. (5/9-3.3) **(STATE SPO 11d)**
5. Concealment of Homicidal Death. (5/9-3.4) **(STATE SPO 11e)**

HOUR 7: Evaluation Questions

1. Is specific intent to kill required for “First Degree Murder” in Illinois? Read 5/9-1(a)(1)and (2).
2. If a person, without legal justification, voluntarily performs the acts which cause the death of another, with intent or knowledge of the probability of causing death or great bodily harm, what homicide offense is this?
3. Example: Arnie hates his co-worker. After work one day Arnie waits in the parking lot in his car. Seeing the co-worker exit the building, Arnie speeds up and purposely runs the man over, killing him instantly. What offense?
4. Example: X comes home from work and finds her spouse and his girlfriend in bed having sex. Reacting under the serious provocation of what she has just seen, under a sudden and intense passion, X shoots and kills the girlfriend. What offense has X committed? What if X waited two days before shooting the girlfriend; what offense would that be?
5. Two men argue over the outcome of a football game. One shoots and kills the other. What crime has been committed?
6. If a person voluntarily uses deadly force, with intent to cause death or great bodily harm, and causes the death of another, because at the time he unreasonably perceived the use of deadly force was justified, what offense is this?
7. Example: X is constantly bullied by Y, and Y has beaten X severely in the past. One day Y throws a rock at X and threatens him. Because of his past experience with Y, X overreacts and immediately stabs Y, killing him. At the time X stabbed Mr. Y, X honestly but unreasonably believed that Y posed a threat of imminent death or great bodily harm. If a jury believes X was truly afraid for his life, but concludes his decision to stab Y was unreasonable, what crime is X guilty of?

8. Example: It is New Years Eve in Chicago. Bart's neighborhood is filled with people celebrating outside. Bart is also outside and decides at midnight to recklessly discharge his firearm in to the air. One of his bullets hits and kills another person in the area. In his defense, Bart argues that what happened was an accident, meaning unintentional. Has Bart committed a crime?

9. Example: Marcia goes out with her friends and gets drunk. She chooses to drive recklessly in an intoxicated condition. On her way home she hits a pedestrian with her vehicle. As a result the pedestrian dies. Marcia did not know this person or want this person to be harmed. She says it was an accident, meaning unintentional. What offense has Marcia committed?

10. To be guilty of "Drug Induced Homicide," is the State required to prove that the defendant directly delivered the controlled substances to the deceased victim?

11. Example: After Arnie intentionally runs his co-worker over with his car and kills him, he realizes that he might go to prison. Arnie decides to hide the dead body. Because the body is very heavy, he asks his friend Cara to help him bury it. Arnie tells Cara what he did and she decides to help him. What may Cara, and Arnie in addition to the murder, be charged with?

Hour 8 of Chapter 720

TOPIC: Theft Offenses

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Definitions:

Property	720 ILCS 5/15-1
Owner	720 ILCS 5/15-2
Permanent Deprivation	720 ILCS 5/15-3
Deception	720 ILCS 5/15-4
Threat	720 ILCS 5/15-5
Stolen Property	720 ILCS 5/15-6
Obtain	720 ILCS 5/15-7
Obtains Control	720 ILCS 5/15-8
Value	720 ILCS 5/15-9
*Governmental Property	720 ILCS 5/15-10

Offenses and Rules:

Theft [offenses]	720 ILCS 5/16-1
Theft by Lessee; permissive inference [rule]	720 ILCS 5/16-1(d)
Theft of Lost or Mislaid Property	720 ILCS 5/16-2
Theft of Labor or Services or Use of Property [“Theft of Services”]	720 ILCS 5/16-3
False Report of Theft or other Losses	720 ILCS 5/26-1.1
Offender’s Interest in Property [rules]	720 ILCS 5/16-1(f)
Theft from Coin-Operated Machine	720 ILCS 5/16-5
*Theft-Related Devices	720 ILCS 5/16-6
*Unlawful Use of Recorded Sounds or Images	720 ILCS 5/16-7

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

1. Recognize the following definitions that apply to theft offenses (**STATE SPO 15**):
 - a. Property. (720 ILCS 5/15-1) (**STATE SPO 15a**)
 - b. Owner. (720 ILCS 5/15-2) (**STATE SPO 15b**)
 - c. Permanent Deprivation. (720 ILCS 5/15-3) (**STATE SPO 15c**)
 - d. Deception. (720 ILCS 5/15-4) (**STATE SPO 15d**)
 - e. Threat. (720 ILCS 5/15-5) (**STATE SPO 15e**)
 - f. Stolen Property. (720 ILCS 5/15-6) (**STATE SPO 15f**)
 - g. Obtain. (720 ILCS 5/15-7) (**STATE SPO 15g**)
 - h. Obtains Control. (720 ILCS 5/15-8) (**STATE SPO 15h**)
 - i. Value. (720 ILCS 5/15-9) (**STATE SPO 15i**)
 - *j. **Governmental Property (STATE SPO 15j)**
2. Identify the elements of the offense of Theft (720 ILCS 5/16-1).
(STATE SPO 16b)
3. Identify the elements of the rule of Theft by Lessee; permissive inference.
(720 ILCS 5/16-1(d))
4. Identify the elements of Theft of Lost or Mislaid Property. (720 ILCS 5/16-2)
(STATE SPO 16c)
5. Identify the elements of the offense of Theft of Labor or Services or Use of Property.
(720 ILCS 5/16-3) **(STATE SPO 16d)**
6. Identify the elements of the offense of False Report of Theft.
7. Recognize the sections of the rules within Offender’s Interest in Property.
(720 ILCS 5/16-1(f))
8. Identify the elements of the offense of Theft from Coin-Operated Machines.
(720 ILCS 5/16-5) **(STATE SPO 16e)**
- *9. **Theft-Related Devices (720 ILCS 5/16-6) (STATE SPO 16f)**
- *10. **Unlawful Use of Recorded Sounds or Images (720 ILCS 5/16-7) (STATE SPO 16g)**

HOUR 8: Evaluation Questions

1. Define “property”:

2. **Theft** (basic elements): Knowingly:

1. obtains control of the property,
2. with intent to the owner.

3. “Permanent deprivation” (5/15-3).

Question: X takes Y’s stereo without Y’s consent. X then tells Y that he will return the stereo only if Y pays for it.

According to the definition, does this act fit the element of “permanent deprivation”?

What offense has X committed?

4. Consider the list of acts which fit the definition of “**deception**” (5/15-4) for purposes of theft charges.

“Deception” is part of the elements of the Theft charge 5/16-1(a)(2), a theft by deception.

- (a) _____ another's impression which is false and the offender does not believe to be true; or
- (b) _____ a false impression which the offender previously created or confirmed; or
- (c) _____ information pertinent to the disposition of the property involved; or
- (d) Sell or otherwise transfer or encumber property failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property...

5. Consider the list of acts which fit the definition of “**threat**” (5/15-5) for purposes of theft charges.

“Threat” is part of the elements of the Theft charge 5/16-1(a)(3), a theft by threat.

- (a) _____ on the person threatened or any other person or property; or
- (b) Subject any person to _____ or restraint; or
- (c) _____ any criminal offense; or
- (d) _____ any person of a criminal offense; or
- (e) Expose any person to _____
- (f) Harm the credit or business repute of any person; or
- (g) Reveal any information sought to be concealed by the person threatened; or
- (h) Take action as an official against anyone or anything, or withhold official action...
- (i) Bring about or continue a strike or boycott or other similar collective action if the property is not demanded or received for the benefit of the group which he purports to represent; or
- (j) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (k) Inflict any other harm which would not benefit the offender.

6. **Example:** Arnold is a truck driver. Arnold delivers crates of apples for his employer. As he is unloading the goods he has transported for his employer, Arnold puts several crates in his own car and intending to take them home to eat. Arnold knows he is not authorized to do this. What charge?

7. Theft of property not from the person and not exceeding _____ in value is a Class A misdemeanor.

8. “Theft by lessee; permissive inference.” This is a rule and not a charge. If a person who has leased property does not return that property within a certain amount of time after receiving written demand from the owner, the judge or jury may infer that their intent is to permanently deprive the owner. The State has met its burden of proof on this element of Theft. Within how many days must a person return the property after receiving written demand from the owner? If the property is not returned, what would the charge be?

9. X is walking through the park when he finds a wallet on the ground. X picks it up, looks inside and finds \$500 cash, a driver's license with picture identification, and credit cards having the same name on them as the driver's license. X takes the \$500 and puts it in his pocket. He takes the wallet and throws it in a trash can. X intends to spend the money. What offense has X committed?

“Theft” or “Theft of Labor or Services”

If primarily what is taken is a good, the charge is “Theft.”

If primarily what is taken is work not paid for, or the use of something not paid for, The charge is “Theft of Labor or Services.”

10. Joan and John hire a cab to take them downtown. They do not intend to pay the cabbie. When they reach their destination, they get out of the car and run. What offense have they committed?

11. Bob stays at a hotel overnight with Annie. They have a good time, but no money. They decide to leave the next day without paying for the use of the room. What is the best charge in this case?

12. George rents a car for a week. At the end of the week he returns the car, but does not pay for the time he used it. What offense has George committed?

13. Maria is hired by Bill to sing at his wedding. Bill does not intend to pay Maria. After she sings he does not pay her fee. What offense has Bill committed?

14. A person is guilty of “**False Report of Theft**” if they have what intent? (5/26-1.1)

16. According to “**Offender’s Interest in the Property**,” can a co-owner commit Theft against a co-owner?

What if the parties involved are married and still live together? Can the State prosecute one for Theft against the other?

17. Police Officer Smith gets a call of a “suspicious man inside a Laundromat.” Officer Smith goes to the location and sees a man bending over one of the machines. As she approaches the man, Officer Smith sees that the man has a long screw driver in his hand. It appears that the man has been trying to open the coin box of the machine, and part of the metal on the machine is damaged. The man has no authority to open the machine. Does probable cause exist for Officer Smith arrest the man for “**Theft from Coin-Operated machines?**”

Hour 9 of Chapter 720

TOPIC: **Retail Theft**

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Definitions	720 ILCS 5/16-0.1
Retail Theft	720 ILCS 5/16-25
Retail Theft: Theft by Emergency Exit	720 ILCS 5/16-25(b)
Permissive Inference	720 ILCS 5/16-25(c)
Detention	720 ILCS 5/16-26
Sentence	720 ILCS 5/16-25(f)
Delivery Container Crime.	720 ILCS 5/16-28
*Civil Liability	720 ILCS 5/16-27
*Identity Theft; Aggravated Identity Theft	720 ILCS 5/16-30)

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

1. Definitions. 720 ILCS 5/16-0.1 (**STATE SPO 16a**)
2. Offense of Retail Theft. 720 ILCS 5/16-25 (**STATE SPO 16h**)
3. Retail Theft: Theft by Emergency Exit. 720 ILCS 5/16-25(b)
4. Permissive Inference. 720 ILCS 5/16-25(c)
5. Detention. 720 ILCS 5/16-26 (**STATE SPO 16i**)
6. Sentence. 720 ILCS 5/16-25(f)
7. Delivery Container Theft. 720 ILCS 5/16-28 (**STATE SPO 16k**)
- *8. Civil Liability (720 ILCS 5/16-27 (STATE SPO 16j))**
- *9. Identity Theft; Aggravated Identity Theft (5/16-30) (STATE SPO 16l)**

HOUR 9: Evaluation Questions

1. Define “full retail value” See Definitions: 720 ILCS 5/16-0.1

Merchant's stated or advertised _____ of the merchandise. "Full retail value" includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing course of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a period of one year.

5/16-25(f). Sentence. (1) Retail theft of property, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, is a Class A misdemeanor...Theft by emergency exit of property, the full retail value of which does not exceed \$300, is a Class 4 felony...

[value maximum for misdemeanor was increased from \$150, effective 1-1-11;
maximum amount for motor fuel, added 2012]

2. Define “retail mercantile establishment” See Definitions: 720 ILCS 5/16-0.1

3. Define “under-ringing” *See Definitions: 720 ILCS 5/16-0.1*

4. Bobby goes to the store to buy some toys for her baby. She finds a teddy bear that she likes, but it costs \$50.00, which is too expensive. She changes the price tag so that it says \$10.00 and goes to the register to pay. After giving the cashier \$10.00, Bobby intends to leave the store. What is the best charge against Bobby?

5. May and Allison go shopping together. Without May's knowledge, Allison places a bottle of lotion in May's bag. Both exit the store without buying anything.

What crime has May committed? What crime has Allison committed?

6. Bob's girlfriend works at a department store as a cashier on Saturdays. Bob goes to this store when his girlfriend is working, because he knows she will not charge him full price for the items he wants. Bob takes \$500 worth of clothing up to his girlfriend's register. His girlfriend rings \$100 in and takes this amount from Bob for the purchase. Bob exits the store with all of the clothing. What offense has Bob committed?
What offense has his girlfriend committed?

7. What section of Retail Theft applies if someone commits Retail Theft and leaves by use of a designated emergency exit?

8. Read the section “Permissive Inference.” This is a rule, not a charge. Rule: If any person

(2) _____ upon his or her person or among his or her belongings, unpurchased merchandise....; and (2) _____ that merchandise beyond the last known station for receiving payments...such person shall be presumed...[to be committing Retail Theft; probable cause to arrest exists].

9. Use the rule “Permissive Inference” to get probable cause for the offense of “Retail Theft.”

Louise goes to Jewel without any money. Louise takes a ham and hides it under her coat. Louise goes past all the cash registers and is about to exit the store when she is stopped by store security. The store security office calls the police. What should the police officer arrest Louise for?

Why not “shoplifting” for any of these charges under the Illinois Criminal Code? CASE REPORTING OFFENSE; NOT THE NAME OF A CRIME UNDER THE ILLINOIS CODE.

10. Detention. [Rule] Any _____ who has _____ [probable cause] that a person has committed retail theft may detain such person, on or off the premises of a retail merchantile establishment, in a reasonable manner and for a reasonable length of time...to make reasonable inquiry as to whether such person has in his possession unpurchased merchandise...to inform a peace officer of the detention and surrender that person to the custody of a peace officer...

Note: This statute allows store security or other store workers to detain those believed to have committed Retail Theft. See the definition of “merchant.” But merchants must have probable cause to avoid being guilty of the crime of Unlawful Restraint.

11. What type of property is the subject of “**Delivery Container Theft?**”

Find "Delivery Container" in 5/16-0.1 Definitions.

Hour 10 of Chapter 720

TOPIC: **Deceptive Practices**

MANDATORY READING MATERIAL:

Illinois Compiled Statutes

***Definitions**

Deceptive Practices

False Personation

Forgery

Promotion of a Pyramid Sales Scheme

720 ILCS 5/17-0.5

720 ILCS 5/17-1

720 ILCS 5/17-2

720 ILCS 5/17-3

720 ILCS 5/17-60

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

- *1. Definitions (5/17-0.5) (STATE SPO 17a)**
- 2. Deceptive Practices. (5/17-1) (**STATE SPO 17b**)
- 3. False Personation. (5/17-2) (**STATE SPO 17c**)
- 4. Forgery. (5/17-3) (**STATE SPO 17d**)
- 5. Promotion of Pyramid Sales Schemes. (5/17-60) (**STATE SPO 17e**)

HOUR 10: Evaluation Questions

1. Annie is selling cars. She has a customer that only speaks Spanish. In Spanish, she offers the customer a deal on the car which includes financing at 4.9%. He agrees to the terms. Annie then gives the customer a contract in English which includes financing at 9%. Knowing the customer cannot read English, Annie tricks the customer into believing the terms are the same as he agreed to orally. He signs the contract. What criminal offense has Annie committed under 5/17-1?

2. Chris is president of a credit union. The union is insolvent and Chris knows this. With intent to defraud, Chris solicits and accepts deposits for the credit union. What section of 5/17-1 could Chris be charged with?

3. Ms. X has some property in New Jersey that she would like to sell. She advertises the property as fully developable beachfront property. She knows, in fact, that the property is protected wetlands and the law prohibits anyone building on it. She puts an ad in the paper with the hope of selling it. What section of 5/17-1 could Ms. X be charged with?

4. Mark has his car fixed at the car dealer. When he picks up the car he gives as payment a check on a closed account. The dealer realizes this, calls the police, and Mark is arrested. What section of 5/17-1 could Mark be charged with?

5. Consider the offense of “False Personation,” and the types of people it is false to represent oneself to be.

Find the section for representatives of veteran's or public safety personnel organizations or representatives of charitable organizations: _____

Find the sections for False Personation of peace officer: _____

6. Read the offense of Forgery.

If someone did not make or alter the document which is apparently capable of defrauding another, but they are aware that they possess a forged document, could they possibly be guilty of forgery?

7. Well-made “counterfeit money” could be an example of a “document apparently capable of defrauding another.”

Would the person who makes it be guilty of Forgery?

Would the person who attempts to spend it be guilty of Forgery, even if they did not make it?

8. Mary has a prescription from her doctor for “1” refill of Valium. She changes the amount of refills to “10.” She has the intent to give it to her pharmacist later, knowing the pharmacist will believe the doctor issued all 10 refills. What offense has Mary committed?

9. Ms. X takes her mother’s checkbook without her consent, intending to spend the checks without her mother’s permission. She writes a check for \$1000, and signs her mother’s name on the check. What offense has Ms. X committed?

10. Ms. X takes her mother’s checkbook without her consent. She intends to spend the checks without her mother’s permission. X writes a check for \$1000, and signs her mother’s name on the check. Ms. Y, knowing what Ms. X has done, takes the check to the currency exchange and tries to cash it. Has Ms. Y committed the offense of Forgery?

11. Read the offense of “Promotion of Pyramid Sales Schemes.” Fill in the relevant text.

(a) The term "pyramid sales scheme" means any plan or operation whereby a person, in exchange for money or other thing of value, acquires the opportunity to receive a benefit or thing of value, which is *primarily based upon the* _____, by himself or others, regardless of number, to participate in the same plan or operation and *is not primarily contingent on the quantity of goods, services*, or other property sold or distributed or to be sold or distributed to persons for purposes of resale to consumers...

Hour 11 of Chapter 720

TOPIC: Robbery and Burglary

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Robbery	720 ILCS 5/18-1(a)
Aggravated Robbery	720 ILCS 5/18-1(b)
Armed Robbery	720 ILCS 5/18-2
Vehicular Hijacking	720 ILCS 5/18-3
Aggravated Vehicular Hijacking	720 ILCS 5/18-4
Vehicular Invasion	720 ILCS 5/18-6
Burglary	720 ILCS 5/19-1
Possession of Burglary Tools	720 ILCS 5/19-2
Residential Burglary	720 ILCS 5/19-3
Criminal Trespass to Residence	720 ILCS 5/19-4
*Unlawful Sale of Burglary Tools	720 ILCS 5/19-2.5
*Criminal Fortification of a Residence or Building	720 ILCS 5/19-5

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

1. Robbery. (5/18-1) **STATE SPO 18a**
2. Aggravated Robbery. (5/18-1) (*Formerly 5/18-5*) **STATE SPO 18b**
3. Armed Robbery. (5/18-2) **STATE SPO 18c**
4. Vehicular Hijacking. (5/18-3) **STATE SPO 18d**
5. Aggravated Vehicular Hijacking. (5/18-4) **STATE SPO 18e**
6. Vehicular Invasion. (5/18-6) **STATE SPO 18F**
7. Burglary. (5/19-1) **STATE SPO 19a**
8. Possession of Burglary Tools. (5/19-2) **STATE SPO 19b**
9. Residential Burglary. (5/19-3) **STATE SPO 19d**
10. Criminal Trespass to Residence. (5/19-4) **STATE SPO 19e**
- *11. **Unlawful Sale of Burglary Tools (5/19-2.5) STATE SPO 19c**
- *12. **Criminal Fortification of a Residence or Building (5/19-5) STATE SPO 19f**

HOUR 11: Evaluation Questions

Robbery: Robbery contains an element of force that Theft does not (force or threat of force is used to take property from person or presence of person). **When you read the scenario think about whether or not the victim thought harm would come to him if he did not give up the property.** If they did, then Robbery is the better charge.

If the **victim perceives because of the offender's words or actions**, at the time of the robbery, that the offender has a **dangerous weapon**, but the offender does not in fact have a dangerous weapon, then the charge of **Aggravated Robbery** applies.

For **Armed Robbery** to apply, the offender **must have had a dangerous weapon** at the time of the Robbery. **If not actually capable of causing harm, the item is not a dangerous weapon**, and Armed Robbery does not apply. The offender **need not use** the dangerous weapon, however, in order for Armed Robbery to apply.

If the **victim perceives**, at the time of the robbery, that the offender has a dangerous weapon, **and the offender does in fact have a dangerous weapon**, **Armed Robbery** is the best offense (higher classification of felony than aggravated robbery).

1. A man on the street grabs a woman's purse. The woman holds on to the purse as the man pulls her to the ground. The man escapes with the purse. The woman suffers minor injuries. Offense:

Why not "strong armed robbery" for charging under the Illinois Criminal Code? CASE REPORTING OFFENSE; NOT THE NAME OF A CRIME UNDER THE ILLINOIS CODE.

2. A woman approaches a man and says, "I have a gun. Give me all your money or I will kill you." The man, believing that the woman has a gun, gives her his money. She does not in fact have a gun. Offense:
3. A man approaches a woman and says, "Give me all your money or I will kill you." The woman gives the man all of her money. When he is apprehended minutes later after an immediate chase, a gun is found in the waistband of the offender. Offense:

4. X, Y and Z plan to commit a crime together. All three go to the address of a jewelry store. X and Y enter the store. X has a .38 caliber revolver, and Y has a sawed-off shotgun. X and Y demand that the store clerk fill their bags with jewelry, or they will kill him. While X and Y are doing this, Z acts as a lookout for police outside the store. While they are trying to escape, all three are apprehended by police.

What should X be charged with?

What should Y be charged with?

What should Z be charged with?

5. **Elements of Burglary: 5/19-1(a)**

Need a person commit theft in order for burglary to be complete?

6. At 3:00 a.m. one morning, Mac sneaks into and hides in an office building. He intends to wait in the office until the following morning, at which time he intends to shoot and kill one of the employees. What offense?

7. A woman calls the police complaining that a stranger is on her yacht at Diversey Harbor. (She does not live on the yacht.) When the police arrive at the yacht, they find the offender gathering the belongings of the woman, preparing to steal them. What is the charge?

8. Two officers on patrol observe a man leaning through the window of a vehicle. A woman a block away yells to the officers that the car is hers, and she does not know the man reaching in to her car. As the officers approach, they can see that the man is taking hold of a purse from inside the car, preparing to steal it. What is the best charge to use against this man?

Why not "theft from auto" when charging under the Illinois Criminal Code? This is another Case Reporting "offense" which is not the name of the crime in Illinois.

9. Moe enters a house, without any permission from the owner. He does this because he intends to steal any money he can find in the house. What offense has he committed?

10. Moe enters a house, without any permission from the owner. He does this because he is homeless and wants a warm place to sleep. What offense has he committed?

11. To charge someone with “Possession of Burglary Tools,” in addition to possessing any tool “suitable for use in breaking into” the places described probable cause for what mental state must exist?

12. “Vehicular Hijacking” includes the same elements of “Robbery,” except that the property taken is specifically what?

13. Read “Aggravated Vehicular Hijacking.” Are the elements that aggravated Vehicular Hijacking the same elements that aggravate Robbery?

14. “Vehicular Invasion” covers what is commonly described as the “smash and grab.” 5/18-6
What element is similar to Robbery?
What element is similar to Burglary?
Is it required that the vehicle be occupied?

Hour 12 of Chapter 720

TOPIC: Arson and Criminal Damage

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Arson; Residential Arson; Place of worship arson.	720 ILCS 5/20-1
Aggravated Arson	720 ILCS 5/20-1.1
Criminal Damage to Property	720 ILCS 5/21-1
Institutional Vandalism	720 ILCS 5/21-1.2
Criminal Defacement to Property	720 ILCS 5/21-1.3
Criminal Trespass to Vehicles	720 ILCS 5/21-2
Criminal Trespass to Real Property	720 ILCS 5/21-3
Causing a Catastrophe	720 ILCS 5/29D-15.1
*Criminal Damage to State Supported Property.	720 ILCS 5/21-1.01
*Jackrocks Violation	720 ILCS 5/21-1.4

STUDENT PERFORMANCE OBJECTIVES - "S.P.O."s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

1. Arson; Residential Arson; place of worship arson. (5/20-1) **STATE SPO 20(a-c)**
2. Aggravated Arson. (5/20-1.1) **(STATE SPO 20 (d))**
3. Criminal Damage to Property. (5/21-1) **STATE SPO 21 (a)**
4. Institutional Vandalism. (5/21-1.2) **STATE SPO 21 (c)**
5. Criminal Defacement of Property. (5/21-1.3) **STATE SPO 21 (d)**
6. Causing a Catastrophe. (5/29D-15.1) **STATE SPO 21 (h)**
7. Criminal Trespass to Vehicles. (5/21-2) **STATE SPO 21 (f)**
8. Criminal Trespass to Real Property. (5/21-3) **STATE SPO 21 (g)**
9. ***Criminal Damage to State Supported Property. (5/21-1.01) STATE SPO 21(b)**
10. ***Jackrocks Violation (5/21-1.4) STATE SPO 21(e)**

HOUR 12: Evaluation Questions

1. Mr. X drives his car in to the woods, sets fire to it, and abandons it. He does this because he intends to make a false claim on his insurance for the car. Offense?
2. Mr. X hates Mr. Y. Mr. X intentionally sets Mr. Y's detached garage on fire. The garage burns to the ground. Offense?
3. Mr. X intentionally sets a hotel on fire. What is the best offense to charge Mr. X with?
4. Mr. X intentionally sets Mr. Y's storage shed on fire. As a result, Mr. Y is burned and permanently disfigured. What is the best offense to charge Mr. X with?
5. Mr. X intentionally sets a warehouse on fire. As a result of responding to the fire, a firefighter is injured. What is the best offense to charge Mr. X with?
6. Mr. X is leave-burning in his yard in a garbage can. He recklessly leaves the fire unattended and the fire spreads to his neighbor's detached garage. The garage burns to the ground. Offense?
7. Ms. X calls the police and complains that some teenagers have trespassed on her property and have started a small fire. The investigating officers see that the fire has not caused any damage to the property. In addition to trespassing, what crime have the teenagers committed?
8. Mr. X hates Mr. Y's dog because the dog barks all day. Mr. X shoots and kills Mr. Y's dog. Under Chapter 720, what would Mr. X be charged with?

[Better charges would be under Chapter 510 ILCS 70, The Human Care for Animals Act.]

9. Mike hates Tommy and wants to keep him out of his house. He throws a stink bomb through Tommy's window, which prevents Tommy from being able to enter the house for several hours. What criminal offense has Mike committed?

10. Institutional Vandalism. 5/21-1.2

What are the reasons that the offender damages property for this offense? (a)

What types of properties are damaged with this offense? (1)-(5)

11. Criminal Defacement of Property. This is damage to property in the form of what is commonly described as “_____.”

12. Criminal Trespass to Vehicles. This offense is applicable for the unlawful entry of vehicles, where the mental state of Burglary cannot be proven. This offense covers what are commonly described as “_____.”

13. Criminal Trespass to Real Property. This offense is applicable for the unlawful entry of buildings, where the mental state of Burglary cannot be proven.

It also covers unlawfully entering or remaining on the _____ of another, after receiving notice that it is forbidden.

Note the rule in (b): A person has received notice from the owner or occupant...if he has been notified personally... or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the _____ to such land...

14. Causing a Catastrophe. Offense is knowingly causing a catastrophe by explosion, fire, flood, collapse of a building, or release of a poison, radioactive material, bacteria, virus...

For purposes of this offense, “catastrophe” means serious physical injury to ___ or more persons...buildings...structures...

Hour 13 of Chapter 720

TOPIC: Bodily Harm Offenses

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

*Definitions	720 ILCS 5/12-0.01
Assault	720 ILCS 5/12-1
Battery	720 ILCS 5/12-3
Aggravated Assault	720 ILCS 5/12-2
Aggravated Battery	720 ILCS 5/12-3.05

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

- *1. Definitions (5/12-0.1) (STATE SPO 14a)**
- 2. Assault. (5/12-1) (STATE SPO 14b)
- 3. Battery. (5/12-3) (STATE SPO 14c)
- 4. Aggravated Assault. (5/12-2) (STATE SPO 14d)
- 5. Aggravated Battery. (5/12-3.05) (STATE SPO 14e)

Effective July 1, 2011, many formerly separate offenses were incorporated into the one offense of Aggravated Battery 720 ILCS 5/12-3.05:

*Heinous Battery, 720 ILCS 5/12-4.1;
Aggravated Battery with a Firearm, 720 ILCS 5/12-4.2;
Aggravated Battery of a Child, 720 ILCS 5/12-4.3;
Aggravated Batter of a Senior Citizen, 720 ILCS 5/12-4.6;
Drug Induced Infliction of Great Bodily Harm, 720 ILCS 5/12-4.7.*

HOUR 13: Evaluation Questions

1. **Assault (5/12-1):** without lawful authority, knowingly engages in conduct which places another in reasonable apprehension of _____.

2. **Battery (5/12-3):** knowingly without legal justification by any means,
(1) _____
Or
(2) _____

3. **Aggravated Assault (5/12-2):**
(a) Offense based on _____.

(b) (1)-(10) Offense based on _____.

(c) (1)-(9) Offense based on _____.

(d) Sentence.

4. Joe and Bob are playing poker with some friends. Bob is losing and blames Joe. Bob pulls out a gun, points it in Joe's face and says, "I should shoot you, you cheater!" What offense?

5. Aggravated Battery (5/12-3.05)
(a) (1)-(5) Offense based on _____.

(b) (1)-(2) Offense based on _____.

(c) Offense based on _____.

(d) (1)-(11) Offense based on _____.

(e)(1)-(8) Offense based on _____.
(f)(1)-(4) Offense based on _____.

(g)(1)-(3) Offense based on _____.

(h) Sentence.

Aggravated Battery: Find the subsection of 5/12-3.05 which applies:

6. If a person in committing a Battery cause great bodily harm or permanent disability or disfigurement, what section could they be charged with? (
7. Mr. X dumps a pot of boiling water on Mr. Y's face, causing severe burns and permanent disfigurement to Mr. Y's face. What is the best subsection to use to charge Mr. X with? (*formerly Heinous Battery.*)
8. If person causes bodily harm or great bodily harm to a person under 13, what subsections apply? (*Formerly Aggravated Battery of a Child, if great bodily harm resulted.*)
9. If a person commits a battery on a person 60 or older, under what subsection could they charged? (*Formerly Aggravated Battery of a Senior Citizen, if great bodily harm resulted.*)
10. If a person in committing a battery discharges a firearm and causes injury to a person, what subsection would be used to prosecute the person? (*Formerly Aggravated Battery with a Firearm.*)
11. If a victim has been "pistol whipped," meaning beaten with a gun, what is the subsection that would apply for this offense?

"Offense based on certain conduct." These sections do not function by adding an element to a basic battery. These sections included criminal activity which the lawmakers decided should also be called Aggravated Battery.

12. Mr. X sells 50 grams of heroin to Mr. Y. Mr. Y injects the heroin and as a result goes into a coma. Mr. X could be charged under which subsection? (*Formerly Drug Induced Infliction of Great Bodily Harm.*)

13. Greg and Adriana are at a party. Greg doesn't think that Adriana is having enough fun. Without Adriana knowing it, Greg slips a pill into Adriana's Pepsi. Adriana consumes the drink and as a result feels disorientated, dizzy and sleepy. Find the section of the statute to use to charge Greg.

14. Alice is trick-or-treating. Mr. Smith gives her an apple with a razor blade hidden in it. Alice's mother calls the police. Find the subsection to charge Mr. Smith.

15. Adding certain factors to a basic Assault or Battery, will elevate the crime to an Aggravated Assault or Battery. Would the addition of any of the following factors, during the commission of an assault or battery, elevate the assault or battery charge to aggravated assault or aggravated battery?

-uses a deadly weapon?

-offense occurs on the public way?

-offense is committed on a peace officer who the offender knows is on duty?

-offender committed crime while hooded, robed or masked to conceal identity?

-victim is 60 or older?

-victim is paramedic or ambulance driver responding to a call?

Hour 14 of Chapter 720

TOPIC: Bodily Harm Offenses

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Domestic Battery	720 ILCS 5/12-3.2
*Aggravated Domestic Battery	720 ILCS 5/12-3.3
Violation of Order of Protection	720 ILCS 5/12-3.4
Stalking	720 ILCS 5/12-7
Aggravated Stalking	720 ILCS 5/12-7.4
Abuse or Criminal Neglect of Long Term Care	
Facility Resident or Elderly or Disabled	720 ILCS 5/12-4.4a
Child Abandonment	720 ILCS 5/12C-10
Endangering the Life or Health of a Child	720 ILCS 5/12C-5
Reckless Conduct	720 ILCS 5/12-5
Vehicular Endangerment	720 ILCS 5/12-5.02
Intimidation	720 ILCS 5/12-6
*Aggravated Intimidation	720 ILCS 5/12-6.2
Compelling Organization Membership of Persons	720 ILCS 5/12-6.1
Hate Crime	720 ILCS 5/12-7.1
Threatening Public Officials	720 ILCS 5/12-9
Home Invasion	720 ILCS 5/19-6
*Tampering with Food, Drugs or Cosmetics	720 ILCS 5/12-4.5
*Criminal Transmission of HIV	720 ILCS 5/12-5.01
*Cyberstalking	720 ILCS 5/12-7.5

STUDENT PERFORMANCE OBJECTIVES – “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

1. Domestic Battery and ***Aggravated Domestic Battery (STATE SPO 14f and g)**
3. Violation of Order of Protection. (5/12-3.4) **(STATE SPO 14h)**
3. Stalking. (5/12-7.3) **(STATE SPO 14r)**
4. Aggravated Stalking. (5/12-7.4) **(STATE SPO 14s)**
5. Abuse or Criminal Neglect of Long Term Care Facility Resident or Elderly or Disabled. (5/12-4.4a) **(STATE SPO 14i)**
6. Child Abandonment. (5/12C-10) **(STATE SPO 14w)**
7. Endangering the Life or Health of a Child. (5/12C-5) **STATE SPO 14v**
8. Reckless Conduct. (5/12-5) **(STATE SPO 14k)**
9. Vehicular Endangerment. (5/12-5.02) **(STATE SPO 14m)**
10. Intimidation and ***Aggravated Intimidation (STATE SPO 14n and o)**

11. Compelling Organization Membership of Persons. (5/12-6.1) **(STATE SPO 14p)**
12. Hate Crime. (5/12-7.1) **(STATE SPO 14q)**
13. Threatening Public Officials. (5/12-9) **(STATE SPO 14u)**
14. Home Invasion. (5/19-6) *(Formerly 5/12-11)* **(STATE SPO 19g)**
- *15. **Tampering with Food, Drugs or Cosmetics (5/12-4.5) (STATE SPO 14j)**
- *16. **Criminal Transmission of HIV (5/12-5.01) (STATE SPO 14l)**
- *17. **Cyberstalking (5/12-7.5) (STATE SPO 14t)**

HOUR 14: Evaluation Questions

1. Paul and Adam dated for about a year and lived together. It has been one month since they broke up and stopped being roommates. Adam sees Paul out with someone else and punches Paul in the face, causing a small bruise. Paul wants Adam arrested. What is the best charge to use against Adam? (5/12-3.2)
2. For purposes of Domestic Battery, what is the definition of “Family or Household Member?” *See Definitions 5/12-0.1. Also 725 ILCS 5/112A-3.*
3. Miss Y and Mr. X used to date, but after six months, they broke up. Miss Y has an Order of Protection against Mr. X which was issued under the Domestic Violence Act. Mr. X has been served with a copy of the order and is fully aware that it prohibits him from all contact with Miss Y. Mr. X shows up at Miss Y’s house and refuses to leave her front porch. In addition to Criminal Trespass to Real Property, what offense has Mr. X committed? (5/12-3.4)
4. Mr. X is in love with Miss Y. Every day Mr. X follows Miss Y home from work. He tells her how much he loves her and tried to give her gifts. Miss Y calls the police for help. She is very annoyed, but says he has not made any threats, and he has not done anything to cause a reasonable person to be afraid or emotionally distressed. On these facts, is Mr. X guilty of Stalking? (5/12-7.3)

Note: consider 5/26-1(a)(1) which we will discuss in Hour 20.

5. If the elements of Stalking are present, what additional factors would elevate the charge to Aggravated Stalking? (5/12-7.4)

Note that VIOLATION OF AN ORDER OF PROTECTION IS INCLUDED.

Note: Consider also Harassment by telephone, 720 ILCS 5/26.5-2, for the use of the telephone unlawfully.

6. Mr. X lives with his father who is 75, and suffers from a disease which causes him to be unable to care for himself. Mr. X. goes on vacation, leaving his father alone for several weeks. A neighbor calls the police after discovering the father wandering in the street, obviously in need of serious medical care. When Mr. X returns, what should he be charged with?

5/12-4.4(b)(1)(B).

Why? See (e)(1) Definition of "Caregiver."

Note: 5/12-4.4a is "Abuse or Criminal Neglect of a long term care facility resident; abuse or criminal neglect of an elderly person or person with a disability." "Endangerment" is the title of the subdivision).

7. What offense might apply to a parent who leaves their child under 13 alone for a week? (5/12C-10)

8. Officer X responds to a call from a woman complaining that her neighbors' children are screaming and crying. In the apartment, the officer finds 2 children who appear to be under the age of 2. The room is covered with garbage and discarded needles. The officer sees rats and the children have what look like bites on their bodies. The children also appear to be malnourished and in need of medical care. The parents are both passed out drunk. What could the parents of these children be criminally charged with? (5/12C-5)

9. Reckless Conduct: A person commits reckless conduct when he or she, _____ lawful or unlawful, _____ performs an act or acts that (1) cause bodily harm to or _____ of another person; or (2) cause great bodily harm or disfigurement to another person. (5/12-5)

10. Mr. X is throwing bricks at passing cars when the police are called. He continues to recklessly throw bricks at the cars, and also at the responding police officers. Mr. X's actions endanger the bodily safety of the citizens and the officers. Could Mr. X be charged with Reckless Conduct? (5/12-5)

11. X and Y are on an overpass above Lake Shore Drive. They are throwing rocks at the cars that go by underneath. X hits one of the cars with a rock. The driver stops and calls the police. What should X be charged with? (5/12-5.02)

12. Intimidation involves offenders threatening victims in order to get them to do or stop doing something. What constitutes a “threat” for purposes of the intimidation charge? Give an example of communication which would be a “threat.” (5/12-6)

13. If a person threatens another with physical harm in order to get them to commit a crime, is this the offense of Intimidation? (5/12-6)

14. A tells B, “Commit a burglary with me or I will kill your father.” What offense? (5/12-6)

15. C tells D, “Stop dating my sister or I will accuse you of a crime.” What offense? (5/12-6)

16. Because Bill wants Roy to join his organization, Bill punches Roy’s sister in the face, injuring her. What offense? (5/12-6.5)

17. Judge X is a judge. Mr. Y does not like that Judge X sentenced his brother to life in prison. Mr. Y sends Judge X a letter stating that he intends to burn Judge X’s house to the ground. Judge X knows Mr. Y has previously been convicted of Arson. What is the best charge to use against Mr. Y? (5/12-9)

18. Mr. X beats up Mr. Y. Mr. X admits that he did this because he believes Mr. Y is homosexual and he hates homosexual people. Mr. Y is not a homosexual. What is the best charge to use against Mr. X? (5/12-7.1)

19. Mark and Eric have heard about a party at a house. They were not invited. They go to address of the party and force their way inside. Once inside, they punch the host in the face, causing a black eye. What is the best charge against Mark and Eric? (Always pick the offense which will cover the most elements with one charge.)

Hour 15 of Chapter 720

TOPIC: Sex Offenses

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Definitions	720 ILCS 5/11-0.1
Criminal Sexual Assault	720 ILCS 5/11-1.20
Aggravated Criminal Sexual Assault	720 ILCS 5/11-1.30
Predatory Criminal Sexual Assault	720 ILCS 5/11-1.40
Criminal Sexual Abuse	720 ILCS 5/11-1.50
Aggravated Criminal Sexual Abuse	720 ILCS 5/11-1.60
Defenses	720 ILCS 5/11-1.70
General Provisions	720 ILCS 5/11-1.10

STUDENT PERFORMANCE OBJECTIVES - "S.P.O."s

1. The student will be able to identify the definitions of terms as they relate to the sex offenses.
(5/11-0.1) STATE SPO 13(a)
2. Recognize the elements of Criminal Sexual Assault. (5/11-1.20)
STATE SPO 13(c)
3. Recognize the elements of Criminal Sexual Abuse. (5/11-1.50)
STATE SPO 13 (f)
4. Recognize the elements of Aggravated Criminal Sexual Assault. (5/11-1.30)
STATE SPO 13 (d)
5. Recognize the elements of Aggravated Criminal Sexual Abuse. (5/11-1.60)
STATE SPO 13 (f)
6. Recognize the elements of the offense of Predatory Criminal Sexual Assault of a Child.
(5/11-1.40) STATE SPO 13 (e)
7. The student will be able to recognize the defense of "consent" as it applies to Sections 11-1.20 through 11-1.60 (5/11-1.70(a))
STATE SPO 13(h)
8. The student will be familiar with the General Provisions of the Criminal Sexual Assault Act.
(5/11-1.10) STATE SPO 13(b)

Criminal Sexual Assault

11-1.20 (a)

1. Penetration, plus force.

2. Penetration, plus no consent

*3. Penetration, victim under 18,
accused is a "family
member."

*4. Penetration, victim 13-17,
Accused in in "position of trust."

Criminal Sexual Abuse

11-1.50 (a)

1. Conduct, plus force.

2. Conduct, plus no consent.

*(b) Penetration or conduct,
Victim 9-16, accused under 17.

*(c) Penetration or conduct,
Victim 13-16, accused less than
5 years older.

Scenarios where the act is criminal based on force or lack of consent will plainly state that force was used or the victim did not give consent.

The legal definition of "Sexual Penetration" covers intercourse, anal sex and oral sex.

The legal definition of "Sexual Conduct" includes sexual touching of sex organs, anus or breast, with no intrusion into the sex organ or anus.

**For sections marked with the * above, it is not a defense to accused that no force was used or that victim consented to the sexual activity. Sometimes a young person is a victim according to the law, whether they consider themselves to be or not; what some refer to as "statutory rape."*

Aggravating the charge

Criminal Sexual Assault to Aggravated Criminal Sexual Assault

Criminal Sexual Abuse to Aggravated Criminal Sexual Abuse

Add one of the following to a scenario involving force or lack of consent to Aggravate the charge:

1. **Dangerous weapon**, or item believed by victim to be dangerous weapon.
2. Bodily harm caused to victim.
3. Life of victim endangered or threatened.
4. Other felony also involved.
5. **Victim age 60 or older**.
6. Victim physically handicapped person.
7. Accused delivered to the victim a controlled substance, w/out consent...

There are other situations which result in the aggravated charges, but these are the ones where we are simply adding a factor to the basic elements described in 11-1.20 and 11-1.50.

Predatory Criminal Sexual Assault of a Child 11-1.40

Penetration, accused 17 or over, victim under 13.

HOUR 15: Evaluation Questions

Definitions of elements of sex offenses. 5/11-0.1

1. Define “sexual conduct.”
2. Define “sexual penetration.”
3. Define “family member.”

Offenses involving force or lack of consent

4. A man forces a man to have anal sex. Offense:
5/11-1.20(a)(1)
5. A man forces a woman to fondle his sex organ. Offense:
5/11-1.50(a)(1)
6. A man forces a woman, at gunpoint, to perform oral sex with him. Offense:
5/11-1.30(a)(8)
7. A nursing home attendant sexually touches the breast and sex organs of 70 year-old patient; patient is unable to consent. Offense:
5/11-1.60(a)(3))
8. A nursing home attendant has oral sex with 70 year-old patient; patient is unable to consent. Offense:
5/11-1.30(a)(5)

Offenses involving the relationship between the accused and the victim and the victim's age:

9. If a stepmother and 17 year-old stepson consensually engage in sexual intercourse, has the stepmother committed Criminal Sexual Assault? 5/11-1.20(a)(3)
10. A 19 year-old man has been renting a room in a house with a family for 2 years. He engages in consensual sexual intercourse with the family's daughter, who is 17. Offense?
5/11-1.20(a)(3)

11. A congressman has a 16 year-old girl working for him. They engage in consensual sexual intercourse. Offense?
5/11-1.20(a)(4)

Offenses involving age; penetration or conduct

12. A 16 year-old boy sexually touches the breast of a 14 year-old girl. The act is consensual. If the boy were to be charged, what would the offense be?
5/11-1.50(b)

13. A 19 year old woman sexually touches the sex organ of a 16 year-old boy. The act is consensual. What could the woman be charged with?
5/11-1.50(c)

14. A 20 year-old man sexually touches the sex organ of a 14 year-old girl. The act is consensual. What could the man be charged with?
5/11-1.60(d)

**These examples all involve sexual conduct, but note that for these sections the sexual activity could be sexual conduct or sexual penetration.*

**Note: When the sexual activity is consensual, and so the person who is legally a victim does not perceive themselves that way, that affects whether or not the activity is actually reported to police and/or prosecuted. Also, officers cannot make arrests based on accusations from people who do not have the personal knowledge which establishes probable cause (if the renter and daughter do not admit it; if the complaining parent did not actually see anything, for example). For test purposes, look at the fact pattern and determine whether or not the elements of the offense are present. These questions do not reflect circumstances that will affect whether or not prosecution actually results from teenage sex, for example.*

***Note:**

WITHOUT a “family member” or “position of trust relationship,” what is the age at which consensual sex becomes legal in Illinois?

If a person is 17 or older they are old enough for consensual sex in Illinois.

If someone is 16 or younger, there is technically a sex offense.

WITH a “family member” or “position of trust relationship,” what is the age which the consensual sex is not Criminal Sexual Assault or Aggravated Criminal Sexual Abuse?

If a person is 18 or older they are no longer legally a victim of the sex offense because of the family member or position of trust relationship.

(But for some "family members" the relationship might still be prohibited under "Sexual Relations within Families.")

The victim for these offenses is 17 or younger.

Offense involving sexual penetration, the accused is 17 or older and the victim under 13:

5/11-1.40

13. A 21 year old man has sexual intercourse with a 12 year-old girl. The act is consensual.
Offense:
14. John is a 19 year-old, day care worker. John has a 6 year-old boy perform oral sex on him.
Offense:

***Note:** Only for three sections of the sex offenses is it a defense that the accused reasonably believed the victim to be 17 years of age or older. 5/11-1.70(b). Note that it is only available as a defense for those subsections, not all of them.

Criminal Sexual Abuse, 5/11-1.50 (b) and (c)

Aggravated Criminal Sexual Abuse, 5/11-1.60 (d)

**For example, the defense is not permitted where there is a charge because of the "position of trust" relationship between the accused and the victim, under 5/11-1.20(4).*

15. What are the obligations of law enforcement under 5/11-1.10(f)?

Hour 16 of Chapter 720

TOPIC: Sex Offenses; Prostitution

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Indecent Solicitation of a Child	720 ILCS 5/11-6
Public Indecency	720 ILCS 5/11-30
Sexual Relations within Families	720 ILCS 5/11-11
Prostitution	720 ILCS 5/11-14
Solicitation of a Sexual Act	720 ILCS 5/11-14.1
Promoting Prostitution	720 ILCS 5/11-14.3
Promoting Juvenile Prostitution	720 ILCS 5/11-14.4
*Patronizing a Prostitute	720 ILCS 5/11-18
*Patronizing a Minor Engaged in Prostitution	720 ILCS 5/11-18.1
*Indecent Solicitation of an Adult	720 ILCS 5/11-6.5
* Solicitation to Meet a Child	720 ILCS 5/11-6.6
*Sexual Exploitation of a Child	720 ILCS 5/11-9.1
*Permitting Sexual Abuse of a Child	720 ILCS 5/11-9.1A
*Failure to Report Sexual Abuse of a Child	720 ILCS 5/11-9.1B
*Sexual Misconduct with a Person with a Disability	720 ILCS 5/11-9.5
*Grooming	720 ILCS 5/11-25
*Traveling to Meet a Minor	720 ILCS 5/11-26
*Sexual Conduct or Sexual Contact with an Animal	720 ILCS 5/12-35

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

1. Indecent Solicitation of a Child. (5/11-6) **STATE SPO 13i**
2. Public Indecency. (5/11-30) **STATE SPO 13y**
3. Sexual Relations within Families. (5/11-11) **STATE SPO 13p**
4. Prostitution. (5/11-14) **STATE SPO 13q**
5. Solicitation of a Sexual Act. (5/11-14.1) **STATE SPO 13r**
6. Promoting Prostitution. (5/11-14.3) **STATE SPO 13s**
7. Promoting Juvenile Prostitution. (5/11-14.4) **STATE SPO 13t**
- *8. Patronizing a Prostitute (5/11-18) STATE SPO 13u**

- *9. **Patronizing a Minor Engaged in Prostitution (5/11-18.1) STATE SPO 13v**
- *10. **Indecent Solicitation of an Adult (5/11-6.5) STATE SPO 13j**
- *11. **Solicitation to Meet a Child (5/11-6.6) STATE SPO 13k**
- *12. **Sexual Exploitation of a Child (5/11-9.1) STATE SPO 13l**
- *13. **Permitting Sexual Abuse of a Child (5/11-9.1A) STATE SPO 13m**
- *14. **Failure to Report Sexual Abuse of a Child (5/11-9.1B) STATE SPO 13n**
- *15. **Sexual Misconduct with a Person with a Disability (5/11-9.5) STATE SPO 13o**
- *16. **Grooming (5/11-25) STATE SPO 13w**
- *17. **Traveling to Meet a Minor (5/11-26) STATE SPO 13x**
- *18. **Sexual Conduct or Sexual Contact with an Animal (5/12-35) STATE SPO 12-35**

HOUR 16: Evaluation Questions

1. John, an adult, solicits Peggy, who is 12, for sex. He walks up to her in a park and asks her to perform oral sex on him. Peggy tells her mother, who calls the police. What should John be charged with?

Note: Indecent Solicitation of a Child involves a person 17 or older soliciting a person under 17 to participate in activity that would make them the victim of a sex offense.

Consider 720 ILCS 5/33D-1, Contributing to the Delinquency of a Juvenile, for someone 21 or older soliciting a person under 17 to commit criminal offenses.

2. Patricia and Joe, a married couple, engage in sexual intercourse on the front lawn of their home. What crime have they committed?
3. Joe likes to stand in the big window in the front of his house and fondle himself openly while the old ladies in the neighborhood pass by on the way to bingo. The old ladies report Joe to the police. What should Joe be charged with?

Note: "Public Place" has a specific definition for this offense.

4. A 38 year-old man has sexual intercourse with his 19 year-old stepdaughter. The act is consensual. What crime is this?
5. Sue and Bob are adult half-brother and sister. They have the same father. Sue and Bob engage in sexual intercourse. What offense have they committed?

Note: "Sexual Relations within Families" prohibits "sexual penetration" between people that are related in the ways listed. This list of relationships is not identical to the definition of "Family Member" in 720 ILCS 5/11-0.1).

6. The criminal offense of prostitution is the offer or exchange of sex for _____.

7. May offers to have sexual intercourse with Bill in exchange for her receiving \$100. What offense has May committed? .

8. Marvin wants to have sexual intercourse with a prostitute. He offers to pay Marcia \$50 in exchange for her engaging in intercourse with him. What crime has Marvin committed?

Note: “Solicitation of a Sexual Act” was meant to apply to those offering to pay for sex for themselves. “Promoting Prostitution” extends to third parties who in some way encourage or facilitate the criminal activity between others.

9. Promoting Prostitution, 5/11-14.3(a)(1), makes it an offense for someone to knowingly “advance prostitution” as defined in 5/11-0.1. What acts fall under the definition of “advance prostitution?”

“Promoting Prostitution” incorporates what used to be separate offenses: Soliciting for a Prostitute, 5/11-15; Keeping a Place of Prostitution, 5/11-17; Pimping, 5/11-19; Pandering, 5/11-16. These offenses no longer exist as separate charges, and are all covered by Promoting Prostitution. Effective July 1, 2011.

10. Two men arrive at the airport and hire a taxi. The two men ask the cab driver to take them to an area in the city where they can hire prostitutes. The cab driver takes them to an address to help the men find prostitutes to hire. What crime has the cab driver committed?

11. Joe wants to have sexual intercourse with a prostitute who is under 18. He asks Bill where he could find a prostitute who is under 18. Bill tells Joe the address of a place where he can go to find a prostitute who is under 18. What offense has Bill committed?

Hour 17 of Chapter 720

TOPIC: Kidnapping and Related Offenses

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

Kidnapping	720 ILCS 5/10-1
Aggravated Kidnapping	720 ILCS 5/10-2
Unlawful Restraint	720 ILCS 5/10-3
Aggravated Unlawful Restraint	720 ILCS 5/10-3.1
Forcible Detention	720 ILCS 5/10-4
Child Abduction	720 ILCS 5/10-5
Unlawful Visitation Interference	720 ILCS 5/10-5.5
Harboring a Runaway	720 ILCS 5/10-6
*Luring a Minor	720 ILCS 5/10-5.1
*Trafficking, Involuntary Servitude, and related Offenses	720 ILCS 5/10-9
*Failure to Report the Death or Disappearance of A Child Under 13	720 ILCS 5/10-10

STUDENT PERFORMANCE OBJECTIVES - "S.P.O."s

1. Recognize the Kidnapping-related offenses. **STATE SPO 12**
2. Identify the methods of committing Kidnapping. (5/10-1) **STATE SPO 12(a)**
3. Identify the factors which make Kidnapping aggravated. (5/10-2) **STATE SPO 12 (b)**
4. Identify the elements of Unlawful Restraint. (5/10-3) **STATE SPO 12 (c)**
5. Identify the elements of Aggravated Unlawful Restraint. (5/10-3.1) **STATE SPO 12(d)**
6. Identify the elements of Forcible Detention. (5/10-4) **STATE SPO 12 (e)**
7. Identify the terms "Child," "Detains," and "Lawful Custodian" as used in the offense of Child Abduction. (5/10-5)
8. Recognize the methods of committing Child Abduction. (5/10-5) **STATE SPO12(f)**
9. Identify the elements of Unlawful Visitation Interference. (5/10-5.5 **STATE SPO 12 (h)**)
10. Identify the elements of Harboring a Runaway. (5/10-6) **STATE SPO 13 (g)**
- *11. **Luring a Minor (5/10-5.1) STATE SPO 13g**
- *12. **Trafficking, Involuntary Servitude, and related Offenses (5/10-9) STATE SPO 13j**
- *13. **Failure to Report the Death or Disappearance of A Child Under 13 (5/10-10) STATE SPO 13k**

Hour 17: Evaluation Questions

1. The “Kidnapping related offenses” are: Kidnapping, Aggravated Kidnapping, Forcible Detention, Unlawful Restraint, Aggravated Unlawful Restraint, and Child Abduction. Recognize that these offenses are categorized together.

2. A person commits **kidnapping** if he or she knowingly
 - (1) and _____ confines another _____;
 - (2) by force or threat of imminent force carries another from one place to another with intent _____ that other person _____; or
 - (3) by deceit or enticement induces another to go from one place to another with intent _____ that other person _____.

Note on subsection (b) of Kidnapping: In order to elevate the offense to Aggravated Kidnapping, the elements of Kidnapping must first exist. One of the elements is that the confinement be against the will of the victim.

5/10-1(b) of Kidnapping is a rule that can be used to prove this element when the person confined is under 13. Regardless of whether or not the child under 13 wanted to go with the accused, if the parent or guardian did not consent, legally it is against the will of the child. This element has been proven. This section is not a charge. Section 10-1(b) is a rule used to prove the "against his or her will element" of Kidnapping. If the 10 year-old was taken away without consent and hidden by the child's favorite grandparent, for example, this rule could be used by the State.

Once the elements of Kidnapping are proved, the victim being under 13 can act as an aggravating factor. For charging, see 5/10-2(a)(2).

3. **Example:** John secretly confines Joe, who is 10, against his will. What is the best charge against John?

4. **Unlawful Restraint:** knowingly without authority _____ another.

5. **Distinguish “kidnapping” from “unlawful restraint.”** “Secret confinement” is an element of _____ . . .

6. **Example:** Bud commits armed robbery of a bank. He has an automatic weapon during the commission of the crime. The police arrive sooner than he expects and he becomes surrounded inside the bank. In order to get the police to provide him with a vehicle in which he can make his escape, Bud takes the bank teller hostage. In addition to the charge of armed robbery, what is the BEST kidnapping-related offense to add against Bud?

7. For purposes of the offense of **“Child Abduction,”** “child” means a person under the age of ___ or a severely or profoundly intellectually disabled person.

8. **Example:** Dan and Karina get divorced. They have one child, Tommy. Karina has full custody of Tommy, and Dan has visitation rights on the weekend. There is a court order which states this. One week on a Wednesday, Dan picks Tommy up from school and takes him to Dan’s mother’s house. Dan calls Karina and tells her where he is but that he is not going to bring Tommy home. Karina calls the police. If the police are able to find and apprehend Dan, what should he be charged with?

Note: See 5/10-5(b)(3). It is Child Abduction for a man who says he is a child’s father (“putative father”) to remove a child without the consent of the mother if the man has not (A) established paternity and (B) been granted some kind of custody through a court order. Even if you believe a man is the child’s biological father, if he has not established this legally, it is Child Abduction for him to take the child without the mother’s permission.

9. If Dan was to arrive on a Saturday to exercise his visitation rights, and Karina refused to allow it, what offense would Karina be committing?

Note: subsection (d) dictates that officers issue a “notice to appear” for this violation. The officer should not make an arrest. If the person fails to appear in court, the court may issue a summons or warrant of arrest. After a second conviction, officers may make an arrest.

10. If one gives shelter to minor without the consent of the minor’s parent or guardian, in what circumstances does this become a criminal offense

Note: for purposes of being under the control of their parents, minor means a person under 18. The term “minor” or “child” has different meanings depending on what law we are talking about.

Hour 18 of Chapter 720

TOPIC: UNLAWFUL USE OF WEAPONS AND EXEMPTIONS

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

UUW	720 ILCS 5/24-1
Exemptions	720 ILCS 5/24-2
Aggravated Unlawful Use of Weapons	720 ILCS 5/24-1.6

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

1. Unlawful Use of Weapons. (5/24-1) **STATE SPO 22 (a)**
2. Exemptions. (5/24-2) **STATE SPO 22 (a)**
3. Aggravated Unlawful Use of Weapons (5/24-1.6) **STATE SPO 22 (e)**

Unlawful Use of Weapons

*Note: although titled *Unlawful Use*, this statute covers the carrying or possession of weapons illegally, as well as illegal manufacturing or purchasing. Some weapons are illegal, and some the law restricts as to how and where they are carried or possessed. Almost all of the charges have exemptions.*

Unlawful Use of Weapons (5/24-1)

Exemptions (5/24-2)

5/24-1(a)(1)

5/24-2(d)

or

5/24-1(a)(2)

None

or

5/24-1(a)(3)

5/24-2(a)

or

5/24-1(a)(4)

5/24-2(a),(a-5), (b), (f), (g-6), (g-10)

or

5/24-1(a)(5)

None

or

5/24-1(a) (6)

5/24-2(g-5)(g-7)

Or

5/24-1(a) (7)

(c)

(i)

(ii)

(iii)

Unlawful Use of Weapons 5/24-1

Exemptions 5/24-1

Or

5/24-1(a)(8)

5/24-2(e)(g-10)

Or

5/24-1(a)(9)

none

Or

5/24-1(a)(10)

5/24-2(a), (a-5), (b),(f),(g-6),(g-10)

Or

5/24-1(11)

5/24-2(g)

Or

5/24-1(13)

5/24-2(a)

Rule: 5/24-2(d). Applies for weapons described in 5/24-1(a)(7).

HOUR 18: Evaluation Questions

Unlawful Use of Weapons

1. Where can a civilian, who does not meet any of the exemptions, lawfully possess a firearm?

- at home?
- at someone else's home with their permission?
- at fixed place of business?
- in public?
- in automobile?

See 5/24-1(a)(4) and (a)(10); 24-2(b)(4).

2. An off-duty police officer is carrying his handgun on his belt and underneath his coat. He is on the public way. Should an arrest be made in this situation? See 5/24-2(a)(1).

3. May a tavern owner, with a Firearm Owner's Identification Card, lawfully possess a firearm in the tavern she owns?

See 5/24-2(e) exemption to 5/24-1(a)(8). A manager or authorized employee? A peace officer? A patron?

4. A woman has an unloaded gun on the front seat of her car. She does not have a Concealed Carry License. Any charge? See 5/24-1(a)(4).

5. A man has an unloaded firearm on the public way. He does not have a Concealed Carry License. Any charge?

See 5/24-1(a)(10).

6. A man has a sawed-off shotgun less than 26 inches enclosed in a case. Any charge?

See 5/24-1(a)(7)(ii).

7. An officer stops a vehicle for running a red light. The driver and two passengers occupy the vehicle. As the officer questions the driver about his actions, she notices an automatic weapon on the floor of the passenger side. None of the occupants will admit to ownership of the firearm. According to the law, who may the officer charge with Unlawful Use of Weapons in this case? See 5/24-1(d) and 5/24-1(a)(7)(i).

What if the firearm were a shotgun with a 16 inch barrel? See 5/24-1(d) and 5/24-1(a)(7)(ii).

What if the firearm were a handgun? See 5/24-1(d) and 5/24-1(a)(7)

Hour 19 of Chapter 720

TOPICS: Unlawful Use of Weapons; Armed Violence

MANDATORY READING MATERIAL:

Illinois Compiled Statutes:

UUW or Possession by Felons, Prisoners	720 ILCS 5/24-1.1
Aggravated Discharge of a Firearm	720 ILCS 5/24-1.2
Reckless Discharge of a Firearm	720 ILCS 5/24-1.5
Unlawful Possession of Firearms and Firearm Ammunition	720 ILCS 5/24-3.1
Definitions-Armed Violence	720 ILCS 5/33A-1
Armed Violence	720 ILCS 5/33A-2
Firearm and Ammunition defined	430 ILCS 65/1.1
Firearms Owner's Identification Card-Exceptions	430 ILCS 65/2
Application for Firearm Owner's Identification Cared	430 ILCS 65/4

STUDENT PERFORMANCE OBJECTIVES - "S.P.O."s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

1. Unlawful Use or Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities. (5/24-1.1) **STATE SPO 22 (b)**
2. Aggravated Discharge of a Firearm. (5/24-1.2) **STATE SPO 22 (c)**
3. Reckless Discharge of a Firearm. (5/24-1.5) **STATE SPO 22 (d)**
4. Unlawful Possession of Firearms and Firearm Ammunition. (5/24-3.1) **STATE SPO 23 (f)**
5. Armed Violence. (5/33A-2) **STATE SPO 22 (f)**
6. Firearm Defined; Firearm ammunition defined. (430 ILCS 65/1.1) **STATE SPO 22(g)**
7. Firearm Owner's Identification Card Required; Exceptions. (430 ILCS 65/2)
STATE SPO 22 (g)
8. Application for Firearm Owner's Identification Card. (430 ILCS 65/4)

Hour 19: Evaluation Questions

1. What types of characteristics about a person would make the possession of firearms or firearm ammunition an offense under 720 ILCS 5/24-1.1?
2. “Aggravated Discharge of a Firearm” includes someone discharging a weapon at or into an occupied building in subsection (a)(1). Subsections (a)(2)-(9) describe different types of people, but all describe the offender as someone who discharges a firearm _____ the person.
3. “Reckless Discharge of a Firearm” is discharging a firearm in a reckless manner which _____ of an individual.
4. What types of characteristics about a person would make the possession of firearms or firearm ammunition an offense under 720 ILCS 5/24-3.1?
5. **Armed Violence.** What are the elements (and what offenses can it NOT be tacked on to?)
6. A man commits retail theft. The value of the item taken is \$500.00. When apprehended, officer finds a firearm in offender’s waistband. The man did not use the firearm to commit the offense. Does the charge of armed violence apply?
7. If it were categorized as a weapon for armed violence charges, in what category of weapons would you put a baseball bat? A sword?

Chapter 430.

8. Define “firearm.”
9. What does a firearm, by definition, expel?
10. Give an example of something that is not a firearm (listed in the exceptions):
11. What types of characteristics about a person would prevent them from being able to obtain a firearm owner’s identification card under Chapter 430?
12. How would a person under the age of 21 obtain a Firearm Owner’s Identification Card?

Hour 20 of Chapter 720

TOPIC: Mob Action, Disorderly Conduct; Obstructing; Perjury; Bribery

MANDATORY READING MATERIAL:

Illinois Compiled Statutes

Mob Action	720 ILCS 5/25-1
Disorderly Conduct	720 ILCS 5/26-1
Resisting, Obstructing a Peace Officer	720 ILCS 5/31-1
Disarming a peace Officer	720 ILCS 5/31-1a
Obstructing Service of Process	720 ILCS 5/31-3
Obstructing Justice	720 ILCS 5/31-4
*Obstructing Identification	720 ILCS 5/31-4.5
Concealing or Aiding a Fugitive	720 ILCS 5/31-5
Escape	720 ILCS 5/31-6
Compounding a Crime	720 ILCS 5/32-1
Perjury	720 ILCS 5/32-2
Communicating with Jurors and Witnesses	720 ILCS 5/32-4
Harassment of Jurors and Witnesses	720 ILCS 5/32-4a
False Personation	720 ILCS 5/17-2
Tampering with Public Notice	720 ILCS 5/32-9
*Violation of Bail Bond	720 ILCS 5/32-10
Bribery	720 ILCS 5/33-1
Failure to Report a Bribe	720 ILCS 5/33-2
Official Misconduct	720 ILCS 5/33-3

STUDENT PERFORMANCE OBJECTIVES - “S.P.O.”s

Given a lecture and discussion, the trainee, when given a multiple choice exam, will demonstrate that he or she recognizes the elements of the following sections of state law:

1. Mob Action. (5/25-1) **STATE SPO 23 (a)**
2. Disorderly Conduct. (5/26-1) **STATE SPO 23 (b)**
3. Resisting or Obstructing a Peace Officer or Correctional Institution Employee. (5/31-1) **STATE SPO 24a**
4. Disarming a Peace Officer. (5/31-1a). **STATE SPO 24b**
5. Obstructing Service of Process. (5/31-3) **STATE SPO 24c**
6. Obstructing Justice. (5/31-4) **STATE SPO 24d**
- *7. **Obstructing Identification (5/31-4.5) STATE SPO 24e**
8. Concealing or Aiding a Fugitive. (5/31-5) **STATE SPO 24f**
9. Escape. (5/31-6) **STATE SPO 24g**
10. Compounding a Crime. (5/32-1) **STATE SPO 24h**
11. Perjury. (5/32-2) **STATE SPO 24i**
12. Communicating with Jurors and Witnesses. (5/32-4) **STATE SPO 24l**
13. Harassment of Jurors and Witnesses. (5/32-4a) **STATE SPO 24k**
14. False Personation. (5/17-2) **STATE SPO 17c** (also in Hour 10 because of citation change)
15. Tampering with Public Notice. (5/32-9) **STATE SPO 24l**
- *16. **Violation of Bail Bond (5/32-10) STATE SPO 24m**
17. Bribery. (5/33-1) **STATE SPO 24n**
18. Failure to Report a Bribe. (5/33-2) **STATE SPO 24o**
19. Official Misconduct. (5/33-3) **STATE SPO 24p**

HOUR 20: Evaluation Questions

1. A police officer stops a man for speeding. When she gives the man his ticket the man calls the officer an “asshole” and a “pig.” Offense other than speeding:

2. A police officer stops a woman for speeding. When he gives the woman her ticket, she begins screaming and yelling at the officer. This continues for 15 minutes, during which time the woman is swearing loudly and waiving her fists in the officer’s face. A crowd gathers and becomes so large that traffic can no longer flow freely. Offense other than speeding:

3. According to the state law, if a person pulls a fire alarm, knowing that in fact there is no fire to report, what crime has this person committed?

4. Steven, Brad, and Cheryl find out that their new neighbor, Harold, is registered as a sex offender. Together they decide to go to Harold’s house and make sure he knows he’s not welcome on their block. They are bringing baseball bats and plan to use them to hurt Harold. Susan finds out about all this and calls the police. The police arrest the three before they are able to reach Harold’s house. On these facts, what crime have they committed?

5. Tim and Steve take baseball bats and go up and down the street forcefully banging on the doors of their neighbors. The neighbors call the police. What may each be charged with?

6. A uniformed officer is approaching an offender with the intent to make a lawful arrest. Knowing this to be true, a friend of the offender physically impedes the officer’s path. The friend is trying to prevent the officer from making the arrest. Offense:

7. “Disarming a Peace Officer” is an offense that occurs when a person, without consent, takes a weapon from a person known to him to be a peace officer or from an area within the peace officer’s _____.

8. A process server needs to serve a police officer with a subpoena. He goes to the district station where the officer works, during the watch he works. The process server explains his purpose to the desk sergeant and asks if the officer is present. The desk sergeant, figuring the officer does not want to be bothered, lies to the process server and says the officer is not there. In fact the sergeant knows that the officer is in an adjoining room. Under Article 31, what offense has the desk sergeant committed?

9. Mr. X sees a crime occur and can identify the offender. Because Mr. X does not like the police and the offender is his friend, Mr. X intentionally gives the police an inaccurate description. Offense?

10. Rob is wanted on a warrant. Knowing this to be true, his mother conceals him from police in her house. Should the mother be charged with “concealing or aiding a fugitive?”

11. Rob is wanted on a warrant. Knowing this to be true, his girlfriend conceals him from police in her house. Should the girlfriend be charged with “concealing or aiding a fugitive?”

12. Mr. C is arrested for selling cocaine. Undercover officers place him in the back of their car while waiting for prisoner transport. When Mr. C sees his chance, he flees. In addition to the original offense, what can Mr. C be charged with?

13. A person compounds a crime when he receives or offers to another any _____ for a promise not to prosecute or aid in the prosecution of an offender.

Note: In the civil system, it is lawful for a plaintiff to drop a lawsuit in exchange for money, or other thing of value to them. This is illegal in the criminal court system.

14. Mimi is testifying at her sister's trial. Her sister is being tried for murder. Mimi testifies that on the night of the murder her sister was at Mimi's house. Mimi knows that this is not true, and in fact does not know where her sister was at the time. Offense:
15. What if Mimi has a change of heart and wants to tell the jury the truth. Can she change her statement without fear of prosecution? How?
16. What is the specific intent of a person who is guilty of "Communicating with Jurors and Witnesses?"
17. What is the specific intent of a person who is guilty of "Harassment of Representatives for the Child, Jurors, Witnesses and Others?"
18. X is pulled over by an officer for speeding and it is discovered that he is wearing a shoulder holster with a gun in it. Knowing that peace officers are permitted to carry guns this way, X lies and tells the officer he is an off-duty p.o. from out of state. In addition to Unlawful Use of Weapons, what may X be charged with

Note: Prior to 2011 Illinois had a separate offense of "False Personation of a Peace Officer" which was included in Article 32. The criminal conduct of that statute was incorporated into 5/17-2, False Personation. See 5/17-2(b)(3). We covered this in Hour 10.

19. Y wants to park, but his block has street cleaning notices posted. The street cleaning is going to occur the next day. Y decides to tear down all of the public notices of street cleaning. What offense?

20. Mimi is afraid that her sister will go to jail for life. In the hopes that the judge will give her sister a lighter sentence, Mimi gives the judge \$1000. Offense

21. Mimi sees the person she believes to be the judge in her sister's trial. She approaches this person and offers her \$500 in exchange for "going easy" on her sister. This woman is not in fact a judge at all. Offense?

22. X is a juror. X is approached by an unknown person and offered money in exchange for deciding that the defendant in his trial is not guilty. X refuses. If X does nothing at this point, could he be charged with anything?

23. A police officer on patrol sees a crime in progress and takes no action. What section of Official Misconduct is this?

24. A police officer takes a reward for his good work. The police officer knows he is not authorized to accept such a reward. Is this Official Misconduct?

Chapter 720 - State Exam Review Exercises

1. Putting a cherry bomb in someone's mailbox?
2. Soliciting a 10 year old to steal a belt?
3. Breaking into an automobile dealership to get out from a hale storm or snow storm?
4. Caught trying to pry open a bank vault?
5. Caught trying to pry open the door to the bank?
6. Soliciting a 12 year old to have sex?
7. Sam and Eddie get in a fight over a baseball game. Sam kills Eddie. What offense?
8. Bagging Marijuana? [See Cannabis Control Act, 720 ILCS 550]
9. Unknowingly delivering a sealed container of marijuana? [See Cannabis Control Act]
10. Planning to kill someone?
11. What would make someone guilty of Harboring a Runaway?
12. Punching someone in the face?
13. Hitting someone with a bottle?
14. Calling a P.O. an "ass hole" or a pig?
15. Hitting a 65 year old?
16. Is Telephone Harassment a legitimate criminal complaint?
17. Entering an unlocked restaurant and starting a fire. The fire dies out without causing any damage. Which of these charges would fit: Arson, Burglary, Criminal Damage to Property, Criminal Trespass to Real Property?
18. Hitting a 65 year old and causing permanent disfigurement?
19. Taking \$1.00 from someone while pointing your finger in their back and saying "Your money or your life?"

20. Same scenario, except the police find a gun in your waistband?
21. Joe fails to return a rental car, but it's only been 7 days. Any charge?
22. During a burglary, the victim gets startled, has a heart attack, and dies?
23. During a robbery, police shoot and kill one of the offenders. What is the other offender charged with? What if the police shoot an innocent bystander?
24. Picking someone's empty pocket?
25. Can one spouse force another to have sex? What, if any, is the charge? What if they have been separated?
26. Define Burglary "tool".
27. Sally hates George Bush. If I beat her up because of it, would it be a Hate Crime? Go back and look at the Hate Crime Statute. What if Sally had a disability and that is the reason I beat her up?